

## UNITED STATES DISTRICT COURT

for the  
District of GuamIn the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)Information Associated with Instagram User  
"GEORGIA\_GUY\_2403" That is Stored at Premises  
Controlled by Instagram (See Attachment A)

Case No.

14-00046

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):  
Information Associated with Instagram User "GEORGIA\_GUY\_2403" That is Stored at Premises Controlled by Instagram. Property is further described in Attachment A.

located in the \_\_\_\_\_ District of \_\_\_\_\_, there is now concealed (identify the person or describe the property to be seized):  
See Attachment B which is incorporated herein.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☐ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section  
18 U.S.C. Section 2422(b)  
and 2252(a)

Offense Description  
Coercion and Incitement and Production of Child Pornography

**FILED**  
DISTRICT COURT OF GUAM  
MAY 08 2014

JEANNE G. QUINATA  
CLERK OF COURT

The application is based on these facts:

- ☒ Continued on the attached sheet.  
☒ Delayed notice of 30 days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me and signed in my presence.

Date:

5/8/14

City and state: Hagatna, Guam

Applicant's signature

JASON DODD, Special Agent, FBI

Printed name and title

Judge's signature

JOAQUIN V.E. MANIBUSAN, JR., U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF**  
**AN APPLICATION FOR A SEARCH WARRANT**

I, Jason Dodd, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application for a search warrant for information associated with a certain Instagram account that is stored at premises owned, maintained, controlled, or operated by Instagram, a social-networking company owned by Facebook, Inc. and located at 1601 Willow Road in Menlo Park, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A), to require Instagram to disclose to the government records and other information in its possession, pertaining to the subscribers or customers associated with the Instagram accounts "GEORGIA\_GUY\_2403".

2. I am a Special Agent with the Federal Bureau of Investigation, Honolulu Division, Guam Resident Agency, and have been since January 8, 2006. I have trained at Quantico, VA for 22 weeks and have received on-going training over the last 8 years.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of 18 U.S.C. § 2422(b) and 18 U.S.C. § 2252(a) have been committed by a subscriber who identifies himself as REYCCRUZ. There is also probable

cause to search the information described in Attachment A for evidence of these crimes and items to be seized listed in Attachment B.

### **LEGAL AUTHORITY**

5. This Court has jurisdiction to issue the requested warrant to Instagram because it is "a court of competent jurisdiction" as defined by 18 U.S.C. § 2711, 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is "a district court of the United States . . . that - has jurisdiction over the offense being investigated." 18 U.S.C. § 2711(3)(A)(i).

### **PROBABLE CAUSE**

6. On March 20, 2014, the Court issued a search warrant in MJ 14-00028 authorizing the search for information associated with Instagram User "REYCCRUIZ" and "TWERKING\_LOVERS\_671" that is stored at premises controlled by Instagram.

7. On April 17, 2014, the Court issued a search warrant in MJ 14-00038 authorizing the search for information associated with Instagram User "REYCCRUIZ" and "TWERKING\_LOVERS\_671" that is stored at premises controlled by Instagram. The Court authorized the search for audio, video, movies or other files shared or saved in the "REYCCRUIZ" and "TWERKING LOVERS\_671" accounts from February 21, 2014 to April 17, 2014.

8. On April 10, 2014, Instagram produced text messages between "REYCCRUIZ" and "TWERKING\_LOVERS\_671." The text messages contain sexually explicit conversations between "REYCCRUIZ" and an 11 year old child whose Instagram account is "TWERKING\_LOVERS\_671." "REYCCRUIZ" sent the 11 year old child nude pictures of himself and a video of him (adult) masturbating. "REYCCRUIZ" requested pictures from the minor, and persuaded the minor to create a video of the minor performing acts of masturbation.

The adult instructed the minor to send the video to him on Instagram through the use of his smartphone. The minor sent a video to "REYCCRUZ" and also sent a picture of his genitals to "REYCCRUZ." In one conversation, "REYCCRUZ" acknowledged receipt of the video the 11 year old sent and requested for additional photographs of the child.

9. During the court authorized search of Instagram account "REYCCRUZ," law enforcement discovered that on February 21, 2014, "REYCCRUZ" sent a photo of a naked child to Instagram user "GEORGIA\_GUY\_2403". "REYCCRUZ" posted the comment "Sexy page, Brutha." No reply from "GEORGIA\_GUY\_2403" was provided by Instagram.

10. From review of publicly available information provided by Instagram about its service, including Instagram's "Privacy Policy," I am aware of the following about Instagram and about the information collected and retained by Instagram. Instagram owns and operates a free-access social-networking website of the same name that can be accessed at <http://www.instagram.com>. Instagram allows its users to create their own profile pages, which can include a short biography, a photo of themselves, and other information. Users can access Instagram through the Instagram website or by using a special electronic application ("app") created by the company that allows users to access the service through a mobile device.

11. Instagram permits users to post photos to their profiles on Instagram and otherwise share photos with others on Instagram, as well as certain other social-media services, including Flickr, Facebook, and Twitter. When posting or sharing a photo on Instagram, a user can add a caption to the photo, can add various "tags" to the photo that can be used to search for the photo (e.g., a user made add the tag #vw to a photo so that people interested in Volkswagen vehicles can search for and find the photo), can add location information to the photo, and can add other information to photo, as well as apply a variety of "filters" or other visual effects that can be used

to modify the look of the posted photos. In addition, Instagram allows users to make comments on posted photos, including photos that the user posts or photos posted by other users of Instagram. Users can also "like" photos.

12. Upon creating an Instagram account, an Instagram user must create a unique Instagram username and an account password. This information is collected and maintained by Instagram.

13. Instagram asks users to provide basic identity and contact information upon registration and also allows users to provide additional identity information for their user profile. This information may include the user's full name, e-mail addresses, and phone numbers, as well as potentially other personal information provided directly by the user to Instagram. Once an account is created, users may also adjust various privacy and account settings for the account on Instagram. This information is collected and maintained by Instagram.

14. Instagram allows users to have "friends," which are other individuals with whom the user can share information without making the information public. Friends on Instagram may come from either contact lists maintained by the user, other third-party social media websites and information, or searches conducted by the user on Instagram profiles. This information is collected and maintained by Instagram.

15. Instagram also allows users to "follow" another user, which means that they receive updates about posts made by the other user. Users may also "unfollow" users, that is, stop following them or block the, which prevents the blocked user from following that user.

16. Instagram allow users to post and share various types of user content, including photos, comments, and other materials. User content that is posted to Instagram or shared through Instagram is collected and maintained by Instagram.

17. Users on Instagram may also search Instagram for other users or particular types of photos or other content.

18. For each user, Instagram also collects and retains information, called "log file" information, every time a user requests access to Instagram, whether through a web page or through an app. Among the log file information that Instagram's servers automatically record is the particular web requests, any Internet Protocol ("IP") address associated with the request, type of browser used, any referring/exit web pages and associated URLs, pages viewed, dates and times of access, and other information.

19. Instagram also collects and maintains "cookies," which are small text files that are placed on a user's computer or mobile device and that allows Instagram to identify the browser or device's accesses to the service.

20. Instagram also collects information on the particular devices used to access Instagram. In particular, Instagram may record "device identifiers," which includes data files and other information that may identify the particular electronic device that was used to access Instagram.

21. Instagram also collects metadata associated with user content. For example, Instagram collects any "hashtags" associated with user content (i.e., keywords used), "geotags" that mark the location of a photo and which may include latitude and longitude information, comments on photos, and other information.

22. Instagram also may communicate with the user, by email or otherwise. Instagram collects and maintains copies of communications between Instagram and the user.

23. On April 9, 2014, I served Instagram with a preservation request pursuant to 18 U.S.C. § 2703(f), requiring Instagram to preserve all information associated with the “GEORGIA\_GUY\_2403” account.

24. In my experience, child pornography traders do not send child pornography photos to individuals without a level of trust built over time. As the MJ 14-00028 search warrant was limited to February 21, 2014 to April 17, 2014, “REYCCRUZ” and “GEORGIA\_GUY\_2403” would have built their relationship before the execution of the search warrant period and have traded photos prior to this period.

25. Based on the information above, the computers of Instagram are likely to contain all the material described above with respect to the “GEORGIA\_GUY\_2403” account, including stored electronic communications and information concerning subscribers and their use of Instagram, such as account access information, which would include information such as the IP addresses and devices used to access the account, as well as other account information that might be used to identify the actual user or users of the account at particular times.

26. Based on my training and experience, when adult sexual predators send and receive child pornography, they also collect the images. Furthermore, adults on Instagram and other social media use child sexual abuse images to groom children in order to produce child pornography, as well as to arrange to meet the children in person.

27. It is anticipated that the search warrant results will show child pornography being sent to “GEORGIA\_GUY\_2403” account from “REYCCRUZ” as well as chats with children.

**INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED**

28. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant

to require Instagram to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

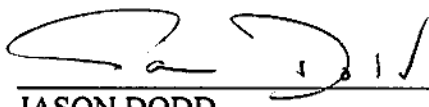
### **CONCLUSION**

29. Based on the forgoing, I request that the Court issue the proposed search warrant. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

### **REQUEST FOR SEALING**

30. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor fully known in its details to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

FURTHER AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
JASON DODD  
Special Agent  
Federal Bureau of Investigation



**ATTACHMENT A**

**Property to Be Searched**

This warrant applies to information associated with the Instagram profile with username:

**“GEORGIA\_GUY\_2403”**

that is stored at premises owned, maintained, controlled, or operated by Instagram, a company which is owned by Facebook, Inc. and located at 1601 Willow Road, Menlo Park, CA 94025.

## **ATTACHMENT B**

### **Particular Things to be Seized**

#### **I. Information to be disclosed by Instagram**

To the extent that the information described in Attachment A is within the possession, custody, or control of Instagram, including any messages, records, files, logs, or information that have been deleted but are still available to Instagram, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Instagram is required to disclose the following information to the government for each account listed in Attachment A:

- a. All identity and contact information, including full name, e-mail address, physical address (including city, state, and zip code), date of birth, gender, hometown, occupation, and other personal identifiers;
- b. All past and current usernames, account passwords, and names associated with the account;
- c. The dates and times at which the account and profile were created, and the Internet Protocol ("IP") address at the time of sign-up;
- d. For the time period set forth in Section II, all IP logs and other documents showing the IP address, date, and time of each login to the account, as well as any other log file information;
- e. For the time period set forth in Section II, all information regarding the particular device or devices used to login to or access the account, including all device identifier information or cookie information, including all information about the particular device or devices used to access the account and the date and time of those accesses;

- f. All data and information associated with the profile page, including photographs, "bios," and profile backgrounds and themes;
- g. For the time period set forth in Section II, all communications or other messages sent or received by the account;
- h. For the time period set forth in Section II, all user content created, uploaded, or shared by the account, including any comments made by the account on photographs or other content;
- i. All images and videos in the user gallery for the account;
- j. All location data associated with the account, including geotags;
- k. All data and information that has been deleted by the user;
- l. A list of all of the people that the user follows on Instagram and all people who are following the user (i.e., the user's "following" list and "followers" list), as well as any friends of the user;
- m. A list of all users that the account has "unfollowed" or blocked;
- n. All privacy and account settings;
- o. All records of Instagram searches performed by the account, including all past searches saved by the account;
- p. For the time period set forth in Section II, all information about connections between the account and third-party websites and applications;
- q. All records pertaining to communications between Instagram and any person regarding the user or the user's Instagram account, including contacts with support services, and all records of actions taken, including suspensions of the account.
- r. All direct conversations between users to include pictures and videos.

- s. Files of all types: including audio, video, movies, or any other files shared or saved in the above referenced accounts from February 21, 2014 to the present date.

## **II. Information to be seized by the government**

All information described above in Section I that constitutes fruits, evidence, and instrumentalities of violations of 18 U.S.C. § 2252 involving the account from February 21, 2014 through the present date, including, for each account identified on Attachment A, information pertaining to the following matters:

- a. All data associated with accounts "GEORGIA\_GUY\_2403".
- b. Records relating to who created, used, accessed, or communicated with the account, including any records about their identities and whereabouts.